COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT:	**On-duty hit shooting, suspect deceased**
IAB FILE NUMBER:	**SH 2393517**
URN#:	**016-00571-0612-013**
DATE/TIME:	**January 14, 2016, 1945 hours**
LOCATION:	**Nathan Hill Road and Shangri La Drive**
	Canyon Country, California

SYNOPSIS

On Thursday, January 14, 2016, Internal Affairs Bureau (IAB) investigators Sergeants Luan Dang, Chad Smeltzer, and Lieutenant Albert Maldonado responded to Canyon Country regarding an on-duty Deputy Involved Shooting. IAB investigators discovered Suspect Miguel Hernandez was shot by Deputy Nathan Gillespie during a traffic stop and was transported to Henry Mayo Hospital, where he was pronounced dead.

Prior to IAB investigators arrival, IAB Lieutenant Maldonado checked to see that the watch commander (Lieutenant James Duran) took reasonable steps to ensure the involved and witness personnel did not discuss the incident among themselves or with uninvolved persons prior to being interviewed by the assigned investigators, and that the involved and witness personnel did not collectively consult with their attorney or representative. In addition, IAB Lieutenant Maldonado checked to see if the watch commander attempted to have the involved and witness personnel gather in the company of a supervisor until they provided a statement to the assigned investigators.

Detectives Daniel Morris and Richard Tomlin from the Los Angeles County Sheriff's Department Homicide Bureau arrived and assumed control of the homicide investigation. For further information regarding the homicide investigation refer to the Homicide Investigation Book, under URN #016-00571-0612-013 (**EXHIBIT A**).

The District Attorney's Office reviewed the investigation and authored a Letter of Opinion stating Deputy Gillespie was justified in using deadly force and acted lawfully in self-defense, and there would be no further action from the District Attorney (**EXHIBIT B**).

SUMMARY

On January 13, 2016, Santa Clarita Valley Station received a call of an assault with a deadly weapon involving a firearm. In this incident, the victim stated he was traveling north on the 14 Freeway when he was cut off twice by a white male (suspect) driving a Lexus. The victim described the Lexus as a four door sedan, two tone color (white on the top and grey on the bottom), chrome wheels, and blue headlights. Each time the suspect cut off the victim, the victim honked his horn to alert the suspect. The victim subsequently exited the 14 Freeway at Newhall Avenue and the suspect followed him. The suspect chased the victim to an apartment complex and shot at the victim. The victim was able to get away and reported the incident, refer to report #016-00519-0627-051 under (**EXHIBIT A, page 24**).

> **IAB Note:** Report #016-00519-0627-051 was written by Unit #66B (Deputies David Leon and Jeffrey Britto). The victim provided a description of the suspect's vehicle, but he was unable to provide a description of the suspect. Sergeant Jeffrey Martin approved the report on January 14, 2016, at 0240 hours.

On January 13, 2016, Sergeant Martin was the on duty field supervisor at the time of the assault/shooting. The following day, January 14, 2016, Sergeant Martin conducted the Santa Clarita Valley Station briefing for PM shift and informed the deputies of the shooting and a description of the suspect's vehicle.

Deputy Nathan Gillespie was assigned to work PM shift on January 14, 2017, as Unit #63B, and attended the briefing where he became aware of the assault and suspect's vehicle description. Deputy Gillespie saw a Lexus stopped for a red light, at a three way intersection at Shangri La Drive. This Lexus appeared to match the assault suspect's vehicle. Deputy Gillespie followed this Lexus as it turned right onto Shangri La Drive from Soledad Canyon Road. Deputy Gillespie attempted to stop this Lexus on Shangri La drive, but the driver continued to drive north. At the three way intersection of Nathan Hill Road, the driver turned left onto Nathan Hill Road from Shangri La Drive, pulled over to the right shoulder, and stopped. Deputy Gillespie exited his patrol vehicle and approached the Lexus. Deputy Gillespie reached the front bumper of his patrol vehicle and ordered the driver to turn off his vehicle. The driver (later identified as Suspect Hernandez) immediately opened the door, exited his vehicle, and confronted Deputy Gillespie. Deputy Gillespie fired one round from his department issued weapon. Suspect Hernandez grabbed his chest and fell to the ground. Deputy Gillespie approached Suspect Hernandez and held him at gunpoint until additional units arrived.

IAB Note: IAB investigators utilized a speedometer from a vehicle to measure the distance between Deputy Gillespie's initial observations of the Lexus to the location of the traffic stop. The distance measured approximately .3 mile.

Approximately one minute after the shooting, Deputy Westerfield arrived and assisted Deputy Gillespie roll Suspect Hernandez' body over. Deputies Gillespie and Westerfield discovered a switchblade knife in an open position by Suspect Hernandez' legs. Additionally, Deputy Westerfield looked inside the Lexus and saw [redacted] sitting in the backseat. Additional units arrived within a minute and assisted Deputy Westerfield in removing [redacted] from the Lexus.

Los Angeles County Fire Department paramedics, under the command of Captain Edwards, Engine #107, arrived approximately three minutes after the shooting and rendered medical aid to Suspect Hernandez. Suspect Hernandez was transported by ambulance to Henry Mayo Hospital where he was pronounced dead by Doctor Hook at 2025 hours.

IAB Note: [redacted] was identified as a wanted parolee at large. He was additionally charged with bringing a controlled substance into a jail facility, file #916-00572-0612-184.

The shooting, assault with a deadly weapon, on January 13, 2016, was assigned to Santa Clarita Valley Station Detective Mark Barreto. IAB investigators interviewed Detective Barreto on June 21, 2017. Detective Barreto stated he contacted the civilian victim from that incident and showed him pictures of the Lexus stopped by Deputy Gillespie, along with a photograph lineup which included a photo of Suspect Hernandez. The victim was unable to identify the vehicle or the suspect. Detective Barreto subsequently closed the case pending further workable information.

Deputy Nathan Gillespie:

On July 13, 2017, Deputy Gillespie was interviewed by Internal Affairs Bureau Sergeants Luan Dang and Michelle Alo. The interview was conducted at the Internal Affairs Bureau. Representing Deputy Gillespie during the interview was Attorney Mitch Kander from the law firm of Green and Shinee. The following narrative is a summary of the interview:

While driving west on Soledad Canyon Road in the number three lane in Canyon Country, Deputy Gillespie was stopped for a red light, at a three way intersection at Shangri La Drive. As Deputy Gillespie waited for the light to turn green, he saw a four door, two tone color Lexus (white on top and grey on bottom) with purplish headlights, traveling in the same direction. The Lexus was directly to the right and had stopped slightly in front of Deputy Gillespie's patrol vehicle in the

right turn lane of Soledad Canyon Road. This Lexus appeared to match the assault suspect's vehicle. Deputy Gillespie saw the front and rear driver's side windows and the rear window on the Lexus were tinted. Deputy Gillespie was unable to see inside the vehicle because of the dark tint.

Deputy Gillespie stated it was dark and he saw a reflection of a purplish color from the Lexus' headlights coming from the reflection of a vehicle in front of the Lexus. Deputy Gillespie did not see the license plate of the Lexus because the front bumper of his patrol vehicle blocked his view, thus he did not use his radio to run it. Deputy Gillespie did not use his radio to coordinate a felony traffic stop because he had seen similar Lexus vehicles, with the same two tone color, in the past. Deputy Gillespie intended to initiate a traffic stop to identify the occupants; however, he was unsure if this Lexus was the vehicle involved in the assault and therefore did not request backup (*see* ***Deputy Gillespie's transcript, page 21***).

As the light turned green, Deputy Gillespie merged to the right turn lane from the number three lane and positioned his patrol vehicle directly behind the Lexus. The driver in the Lexus made a right turn from the right turn lane of Soledad Canyon Road and drove north on Shangri La Drive without using the turn signal. Deputy Gillespie turned right onto Shangri La Drive, followed the Lexus for approximately 30 yards, and activated his forward facing red light to conduct a traffic stop to warn and advise the driver regarding the tinted windows and the turn signal violations. Deputy Gillespie estimated the Lexus was travelling at 20-25 miles per hour (MPH) when he activated his forward facing red light. There were no other vehicles on the road and Deputy Gillespie believed the driver knew he was being pulled over.

The driver slowed to 10 MPH and activated the left turn signal as the Lexus approached Camelot Court. Deputy Gillespie thought the driver was going to turn into Camelot Court and stop. Instead, the driver continued past Camelot Court and accelerated to 25-30 MPH. Deputy Gillespie activated his air horn to gain the driver's attention. The driver slowed to 10 MPH and again activated his left turn signal. Deputy Gillespie thought the driver was going to make a left hand turn onto El Dorado Court and stop. The driver drove past El Dorado Court and accelerated to 25-30 MPH. At El Dorado Court, Deputy Gillespie activated his air horn. The driver slowed to 10 MPH and activated the left turn signal. The driver did not make a left turn and continued north on Shangri La Drive, passing Hilton Court and Tibetan Court.

Although the driver's erratic movements raised Deputy Gillespie's suspicion this vehicle was involved in the shooting, Deputy Gillespie believed the driver was trying to find a safe place to stop. Deputy Gillespie did not use his radio to request back up (*refer to* ***Deputy Gillespie's transcript, page 27***). Deputy Gillespie did not believe he was involved in a pursuit because the driver was moving too slow (*refer to* ***Deputy Gillespie's transcript, page 59***).

Once the driver passed Tibetan Court, he accelerated to 25-30 MPH. The driver then slowed to 10 MPH and made a left turn at the three way intersection onto west Nathan Hill Road. Deputy Gillespie followed the Lexus with his forward facing red light activated. The driver turned west to Nathan Hill Road and drove 128 feet (**EXHIBIT C**) before moving over to the right shoulder, along the north curb line.

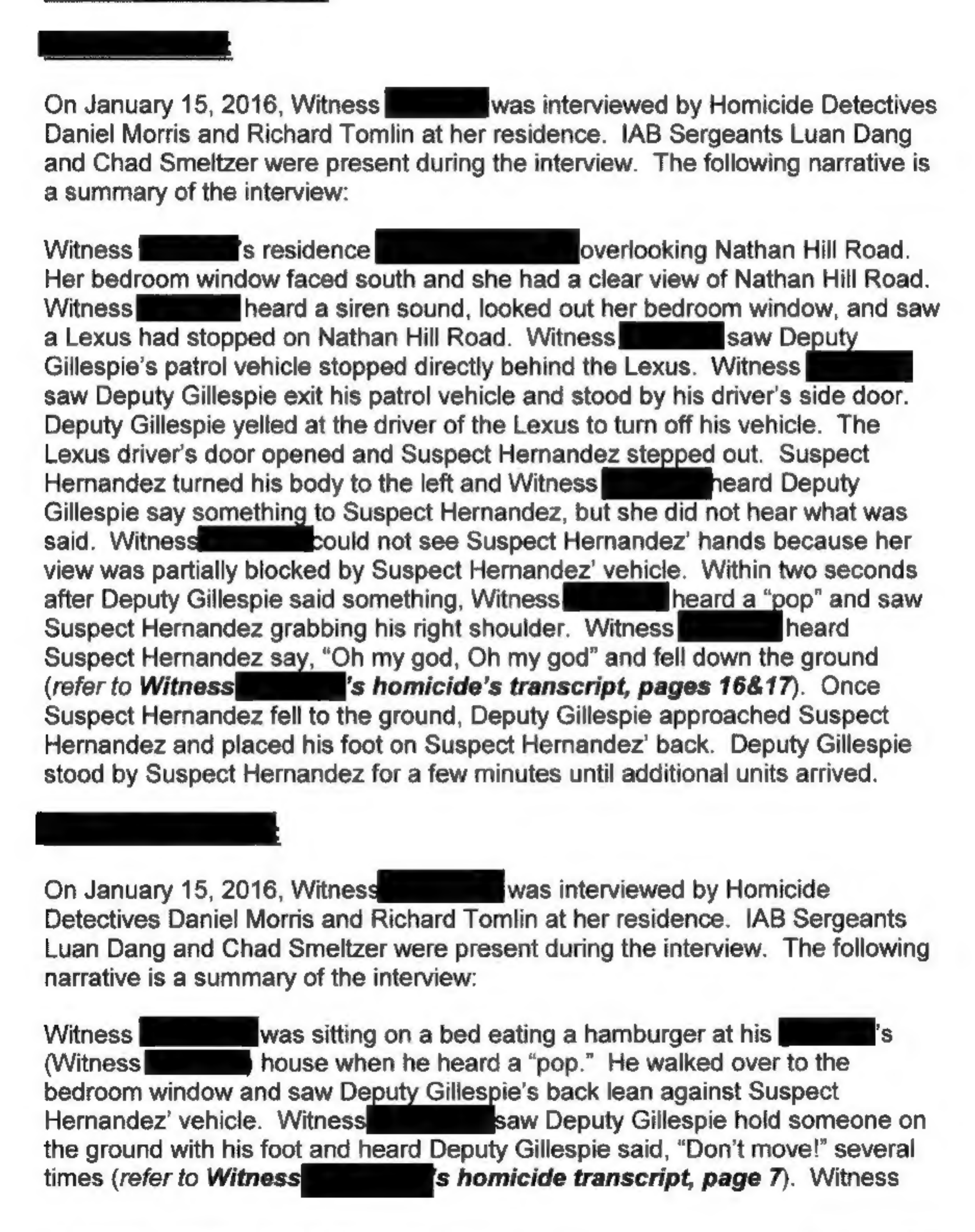
Deputy Gillespie stopped his patrol vehicle 16 feet (**EXHIBIT C**) behind the Lexus, in an offset position. Deputy Gillespie immediately exited his patrol vehicle and unfastened his holster, leaving his right hand on the grip of his firearm. As Deputy Gillespie approached the Lexus, he was unsure if there were additional occupants inside the vehicle (*refer to **Deputy Gillespie's transcript, page 31***). Deputy Gillespie stopped at the front bumper of his patrol vehicle and attempted to use his handheld radio to request backup. As Deputy Gillespie stopped at the front bumper of his patrol vehicle, he saw the driver's door of the Lexus swing open. Deputy Gillespie raised his firearm and aimed it at the driver's door. Deputy Gillespie saw Suspect Hernandez push the door with his left hand and immediately step out of the driver's seat. Deputy Gillespie said he did not have a chance to use his radio because Suspect Hernandez exited the Lexus, causing him to use both of his hands to hold his firearm and aim it at Suspect Hernandez. As Suspect Hernandez stepped out of his vehicle, he turned to the left. Deputy Gillespie saw gang tattoos on the left side Suspect Hernandez' head and neck. Deputy Gillespie was unable to see Suspect Hernandez' right side because Suspect Hernandez stood in a bladed stance with his right side and hand concealed.

> **IAB Note:** IAB investigators reviewed radio traffic on Dispatch 5 and L-TAC. The first radio traffic broadcast by Deputy Gillespie was on Dispatch 5 after the shooting (**EXHIBIT D**).

Deputy Gillespie was unable to see Suspect Hernandez' right hand and ordered him to show his hands. Suspect Hernandez yelled, "What the fuck" or "what the hell" (*refer to **Deputy Gillespie's transcript, page 9***). Suspect Hernandez refused to show his hands and stood in the bladed position for approximately 10 to 12 seconds. Deputy Gillespie saw Suspect Hernandez' right shoulder and right arm were "moving around" and then Suspect Hernandez made a "jerking motion" as if he was twisting to the left toward Deputy Gillespie. Deputy Gillespie believed Suspect Hernandez was arming himself with a firearm and fired one round from his Department issued firearm, striking Suspect Hernandez.

Suspect Hernandez immediately fell to the ground, face first. He landed on top of his arms so Deputy Gillespie was unable to see his hands. Deputy Gillespie approached Suspect Hernandez, placed his right knee on Suspect Hernandez' back, and utilized his handheld radio to broadcast he was involved in a shooting. Deputy Gillespie approached Suspect Hernandez after the shooting because he felt he had better control of Suspect Hernandez by keeping him on the ground.

When Deputy Westefield arrived approximately one minute later, they (referring to Deputies Gillespie and Westerfield) were able to roll Suspect Hernandez over and found the knife on the ground.



WITNESS INTERVIEWS:

[redacted]

On January 15, 2016, Witness [redacted] was interviewed by Homicide Detectives Daniel Morris and Richard Tomlin at her residence. IAB Sergeants Luan Dang and Chad Smeltzer were present during the interview. The following narrative is a summary of the interview:

Witness [redacted]'s residence [redacted] overlooking Nathan Hill Road. Her bedroom window faced south and she had a clear view of Nathan Hill Road. Witness [redacted] heard a siren sound, looked out her bedroom window, and saw a Lexus had stopped on Nathan Hill Road. Witness [redacted] saw Deputy Gillespie's patrol vehicle stopped directly behind the Lexus. Witness [redacted] saw Deputy Gillespie exit his patrol vehicle and stood by his driver's side door. Deputy Gillespie yelled at the driver of the Lexus to turn off his vehicle. The Lexus driver's door opened and Suspect Hernandez stepped out. Suspect Hernandez turned his body to the left and Witness [redacted] heard Deputy Gillespie say something to Suspect Hernandez, but she did not hear what was said. Witness [redacted] could not see Suspect Hernandez' hands because her view was partially blocked by Suspect Hernandez' vehicle. Within two seconds after Deputy Gillespie said something, Witness [redacted] heard a "pop" and saw Suspect Hernandez grabbing his right shoulder. Witness [redacted] heard Suspect Hernandez say, "Oh my god, Oh my god" and fell down the ground (*refer to* ***Witness [redacted]'s homicide's transcript, pages 16&17***). Once Suspect Hernandez fell to the ground, Deputy Gillespie approached Suspect Hernandez and placed his foot on Suspect Hernandez' back. Deputy Gillespie stood by Suspect Hernandez for a few minutes until additional units arrived.

[redacted]

On January 15, 2016, Witness [redacted] was interviewed by Homicide Detectives Daniel Morris and Richard Tomlin at her residence. IAB Sergeants Luan Dang and Chad Smeltzer were present during the interview. The following narrative is a summary of the interview:

Witness [redacted] was sitting on a bed eating a hamburger at his [redacted]'s (Witness [redacted]) house when he heard a "pop." He walked over to the bedroom window and saw Deputy Gillespie's back lean against Suspect Hernandez' vehicle. Witness [redacted] saw Deputy Gillespie hold someone on the ground with his foot and heard Deputy Gillespie said, "Don't move!" several times (*refer to* ***Witness [redacted]'s homicide transcript, page 7***). Witness

[redacted] did not see what led up to the shooting and only saw numerous deputies arrive afterward. Witness [redacted] saw paramedics perform Cadrio Pulmonary Resuscitation on Suspect Hernandez and place him on a gurney.

[redacted]

On January 15, 2016, Witness [redacted] was interviewed by Homicide Detectives Daniel Morris and Richard Tomlin at his residence. The following narrative is a summary of the interview:

Witness [redacted] was sitting in his patio smoking a cigarette. He saw Deputy Gillespie's vehicle follow Suspect Hernandez' vehicle on Shangri La Drive. As Suspect Hernandez' made a left turn onto west Nathan Hill Road, Witness [redacted] heard Deputy Gillespie activate his patrol vehicle air horn one time and then saw the patrol vehicle's red light turned on. Suspect Hernandez pulled over to the right shoulder and Deputy Gillespie positioned his patrol vehicle directly behind Suspect Hernandez' vehicle. As soon as Deputy Gillespie stopped, he exited his patrol vehicle and took three steps. Deputy Gillespie stopped at the front bumper of his patrol vehicle and Witness [redacted] heard one gun shot. Witness [redacted] heard Deputy Gillespie yell, "Get on the F'ing ground" three times after the gunshot (*refer to **Witness** [redacted] **homicide transcript, page 5***). Witness [redacted] focused his attention on Deputy Gillespie during the traffic stop and did not see Suspect Hernandez' actions prior to the shooting. Witness [redacted] did not hear commands from Deputy Gillespie prior to the gunshot. Approximately 90 seconds after the gunshot, additional deputies arrived and blocked off the area. Paramedics arrived two minutes later and took Suspect Hernandez away.

[redacted]

On January 15, 2016, Witness [redacted] was interviewed by Homicide Detectives Daniel Morris and Richard Tomlin at his residence. Witness [redacted] told homicide detectives he recorded the incident after the shooting. Homicide investigators were unable to obtain the video footage from Witness [redacted]

On August 4, 2017, IAB investigators interviewed Witness [redacted] at his residence. The following narrative is a summary of the interview:

Witness [redacted] heard a gunshot while he was watching television in his livingroom. He opened the blinds of his windows and saw reflections of red lights coming from a police vehicle. Witness [redacted] ran through his house and exited his garage door leading to his backyard. He ran up a 15 foot embankment and saw Deputy Gillespie standing behind the driver's door of his patrol vehicle. Witness [redacted] then ran down the embankment to his livingroom to retrieve his cellular phone. After retrieving his cellular phone, Witness [redacted] ran to the

embankment and started to record the scene. When he returned to the embankment, Witness [redacted] saw additional patrol units had arrived.

> **IAB Note:** Witness [redacted] told IAB investigators he had deleted the video footage because it took too much space on his cellular phone.

Witness [redacted] saw two deputies search the person on the ground, who laid motionless. Witness [redacted] did not hear police sirens or an air horn prior to the gunshot. Witness [redacted] did not hear any commands from the deputy before or after the gunshot. When he returned to the embankment the second time with his cellular phone to record the scene, Witness [redacted] saw the Lexus had its driver's door open. Witness [redacted] said the Lexus did not have tinted windows and he was able to see the inside. Witness [redacted] did not see any other person inside the Lexus.

[redacted]

On August 2, 2016, IAB Sergeant Luan Dang conducted a telephone interview with [redacted]. Prior to this interview, Witness [redacted] had declined to interview with homicide investigators on two different occasions. The following narrative is a summary of this interview:

Witness [redacted] had known Suspect Hernandez for 15 years at the time of the shooting. They met at a friend's house located on Jake's Way in the community of Canyon Country, and Suspect Hernandez agreed to give Witness [redacted] a ride to his girlfriend's house in Santa Clarita. Witness [redacted] sat in the rear passenger seat of Suspect Hernandez' vehicle. As they drove north on Shangri La Drive from Soledad Canyon Road, Witness [redacted] saw a police vehicle behind them with its red light activated. Witness [redacted] told Suspect Hernandez they were being pulled over. Suspect Hernandez told Witness [redacted], "I'll pull over." Suspect Hernandez turned left onto Nathan Hill Road and stopped (*refer to **Witness** [redacted]**s IAB transcript, page 8***).

After Suspect Hernandez stopped, he immediately opened the door, exited his vehicle, and said, "What's going on?" (*refer to **Witness** [redacted]**s IAB transcript, page 10***). Immediately after Suspect Hernandez asked what was going on, he was shot. Witness [redacted] believed Suspect Hernandez was struck by a Taser because he (Witness [redacted]) only heard one shot. Witness [redacted] saw Suspect Hernandez grab his chest and fall to the ground. Witness [redacted] did not hear any commands from the deputy before Suspect Hernandez was shot. Approximately 20 seconds after Suspect Hernandez was shot, several deputies approached and moved Suspect Hernandez' body toward the middle of the street. Witness [redacted] estimated he sat in the backseat of Suspect Hernandez' vehicle approximately five minutes before the deputies removed him from the vehicle.

DISTRICT ATTORNEY'S LETTER OF OPINION

The Justice System Integrity Division of the Los Angeles County District Attorney's Office reviewed the fatal shooting of Miguel Hernandez by Deputy Nathan Gillespie. In their Letter of Opinion (**EXHIBIT B**), dated January 30, 2017, Deputy District Attorney James Garrison concluded Deputy Gillespie acted lawfully in self-defense and there would be no further action from the District Attorney's Office.

INVOLVED EMPLOYEE AND WORK HISTORY

Nathan Gillespie, Deputy Sheriff, #[redacted]
North Patrol Division
Santa Clarita Valley Station

Work History

Date of Employment:	June 14, 2006
Date Assigned to Santa Clarita Valley Station:	April 6, 2014
Date Completed Patrol Training:	[redacted]
Prior Shooting incident(s):	
Prior Founded Force Incidents:	

Equipment Worn On Person

Oleoresin Capsicum (OC) Spray
Key ring
Multi-tool
Two magazine pouches with magazines
Expandable Baton (ASP)
Radio
Two handcuff cases
Smith & Wesson M&P
Flashlight
PR-24 baton (attached to his warbag in the trunk of his radio car)

SUSPECT INFORMATION

Miguel Hernandez
Male, Hispanic, DOB: October 6, 1976, 5'08", 230 pounds
[redacted]
CII #[redacted] MAIN #[redacted] FBI #[redacted]

> **IAB Note:** A copy of Suspect Hernandez' criminal history is included in the Homicide Investigation Book (**EXHIBIT A, pages 62-73**).

SUSPECT'S INJURIES

Suspect Hernandez sustained one gunshot wound. The bullet entered the chest cavity through the left 4th rib, perforated the left upper lung, the superior vena cava (large vein carrying deoxygenated blood to the heart from the upper body), and the right lower lung. The bullet came to rest in the right chest cavity (**EXHIBIT A, page 99**). There was no exit wound.

DEPUTY PERSONNEL INJURIES

There was no injury sustained by Deputy Gillespie.

PHYSICAL EVIDENCE

All physical evidence was located and collected by Homicide Detective Timothy O'Quinn and Sergeant Marcelo Quintero. They were assisted by Forensic Identification Specialists David Ozeta from the Sheriff's Crime Lab. For descriptions of the evidence collected and where it was collected, see the Homicide Investigation Book (**EXHIBIT A, pages 36-40**).

INVESTIGATOR'S OBSERVATIONS

Three hours transpired from the shooting to IAB Investigator's observations.

The scene is described in detail by Homicide Detective Timothy O'Quinn and Sergeant Marcelo Quintero (**EXHIBIT A, pages 51-55**). Their description of the scene was consistent with IAB Investigators' observations. The scene was also photographed by the Sheriff's Crime Lab personnel (**EXHIBIT C**).

WEAPON USED BY DEPUTY GILLESPIE

Deputy Gillespie fired one round of Department issued 9mm ammunition from his Department issued Smith & Wesson M&P, semiautomatic pistol. The firearm was examined by Senior Criminalist Phil Teramoto of the Scientific Services Firearms Identification Section and found to be functional (**EXHIBIT E**).

One expended 9mm casing was recovered at the scene (**EXHIBIT A, page 36**). One copper-jacketed metal bullet was recovered from the body of Suspect Hernandez (**EXHIBIT A, page 99**).

Date last qualified: [redacted]
Date last trained with weapon:

WEAPONS USED BY SUSPECT HERNANDEZ

None. A switchblade knife in an open position was found by Suspect Hernandez' legs.

PROPERTY DAMAGE BY SUSPECT HERNANDEZ

None.

CRIMINAL INVESTIGATORS AND CHARGES FILED

The criminal investigation into the shooting was handled by Homicide Detectives Daniel Morris and Richard Tomlin of the Los Angeles County Sheriff's Department's Homicide Bureau. No charges were filed.

LIGHTING AND WEATHER CONDITIONS

The scene was illuminated by two functioning street lights on Nathan Hill Road and external lights from the surrounding residences (**EXHIBIT A, page 38**). Crime scene photographs showed Deputy Gillespie's patrol vehicle headlights and the driver's side spotlight were on (**EXHIBIT C**). The weather was clear and cool.

INVESTIGATION

Internal Affairs Bureau investigators interviewed the following Department personnel and civilian witnesses: Deputy Nathan Gillespie, Deputy Stephen Westerfield, Deputy Curtis Foster, Deputy Dorian Anaya, Deputy Jason Goedecke, Deputy Angela Caruso, Deputy Andrew Taylor, Deputy Kenneth Deschino, Detective Mark Barreto, Sergeant Jeffrey Martin, Court Services Specialist Alejandra Nunez, Civilian Witness [redacted], and Civilian Witness [redacted]. In addition, IAB investigators sat in on the Homicide interviews of Civilian Witnesses [redacted] and [redacted]. Civilian Witnesses [redacted], [redacted] and [redacted] were interviewed by homicide investigators. The interviews were digitally recorded and transcribed. For complete statements made, more information, and precise wording, see attached verbatim interview transcriptions.